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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/852,612	05/11/2001	Shuntaro Aratani	35.C15346	5348

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EXAMINER

YENKE, BRIAN P

ART UNIT PAPER NUMBER

2614

DATE MAILED: 12/07/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/852,612

Applicant(s)

ARATANI ET AL.

Examiner

BRIAN P. YENKE

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on RCE/Amendment (01 Nov 04).
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 01 November 2004 has been entered.
2. Applicant's arguments with respect to amended claims 1-4 have been considered but are not persuasive.
3. Regarding the applicant's statement that the applicant filed a request for a new office action and the absence of any action taken on the Request. First it should be noted that there is currently no request on file, second the request was for a new office action (as stated currently in the RCE and as state via phone call via the examiner and applicant's representative) because the examiner inadvertently left out one of the 103 references in the heading, nor did the examiner cite the reference on the '892, though the rejection clearly stated the reference in the body of rejection. The examiner informed the applicant's representative, that in the event the applicant is uncertain/unclear on the office action (i.e. leaving out one of the references in the 103 heading, reference not cited on the '892) that it would be advantageous to call the examiner, since something as minor as this can be remedied with a quick phone call.

Claim Objections

4. Claims 2 and 4 currently recite that in the first operating mode the connecting unit disconnects the connection between the display and external apparatus. However, claims 1 and 3 state that the 1st operating mode is operating the display apparatus as a monitor of the external apparatus. Thus the claims should be corrected to either the "connecting unit connects [disconnects]" or "if the second [first] mode is selected" which be consistent with claims 1 and 3 respectively.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1 and 3 are rejected under 35 U.S.C. 102(b) as being anticipated by Sturgeon et al., US 5,926,175.

In considering claims 1 and 3,

a) the claimed a remote controller is met by input device 125 (Fig 1) which may comprise any of the following: remote control units, remote track ball/mouse devices, remote pointing devices, wireless or wired keyboards, keyboards integrated with pointing devices, track-balls and the like (col 3, line 50-55).

b) the claimed a display unit is met by display monitor 110 (Fig 1)

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c) the claimed a connecting unit... is met by computer subsystem 115 (Fig 1) which forms a connection for the display monitor subsystem 110 and convergence functionality module 130, where module 130 may comprise a receive for receiving TV signals in any form (such as NTSC, PAL, cable etc) (col 3, line 13-37).

d) the claimed a control unit which controls... is met by subsystem 115 which includes processor unit and storage unit (not shown, col 3, line 4-12), where based upon the viewer's choice (via remote) the user can the display 110 in either a PC mode or a TV mode (col 2, line 22-34).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 1-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hare et al., US 6,084,638 in view of Perkes, US 6,373,503.

In considering claims 1 and 3,

a) the claimed display unit is met by TV receiver display 4 (Fig 1)

b) the claimed connecting unit... is met where the TV receiver incorporates a device which receives user command and pointing device input data and couples that input data to the PC via an available radio frequency transmission channel which may be

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wireless or utilize existing wiring such as the AC wiring within a house (col 2, line 25-38, col 6, line 40-63, Fig 1)

c) *the claimed control unit* is met where based upon the users desired selection via input interface extender 26, the display may be the video/audio from a remote PC (i.e. videoconferencing, games) or the video/audio of a TV channel, where one mode would be the PC and another mode would be the TV reception. The user can control the TV through a variety of user interface devices including keyboard, mouse, joystick via an user interface extender 26 (col 10, line 12-27). Hare also discloses the PC and TV signal can be displayed in a PIP format, preferably when an embedded address is available for extraction (related data via the PC) from the TV signal, by indicating when the PC receives the related data (col 5, line 10-35). Hare also discloses that TV 4 may be used for videoconferencing to display the video obtained from PC 2 (e.g. the internet, public switched telephone network (col 11, line 46-59) and also the TV 4 may be used to play games that are located on PC 2.

However, Hare does not explicitly recite "a remote controller".

Hare does disclose a remote interface extender 26 which can be activated to vary the operational state of the PC (col 9, line 29-38), where the user interface includes a keyboard, mouse, joystick, and activating device (e.g. pushbutton switch) which is used to select the desired mode. When the user located within viewing distance of the TV receiver 4 at a location remote from the PC 2 desires to use PC 2, the user may activate a function button located on interface extender 26 (Fig 1c, col 10, line 13-27).

The use of a remote controller is a notoriously well known, widely used device which provides the viewer the ability to control (i.e. channel surf, turn-on/off, and to select the appropriate peripheral devices (i.e. DVD, VCR, PC)) desired by the user.

The examiner incorporates Perkes, US 6,373,503 which discloses the use of a remote control 40, which is used to select a display of either or both a TV broadcast signal or computer signal (abstract).

Therefore, it would have been obvious to one of ordinary skill in the art to modify/utilize in Hare which discloses a TV display which is able to display TV signals and/or PC signals to utilize a remote controller as done by Perkes, which provides the viewer the ability to operate remotely from the TV and PC, while still providing to the viewer the ability to select the desired display (i.e. PC, TV or both) using the remote.

Regarding claims 2 and 4,

The combination of Hare and Perkes do not explicitly recite "disconnects" with regard to connecting/disconnecting the display and the external apparatus (PC).

The combination of Hare and Perkes discloses a system where a TV and a PC (remotely located from the TV) can both be controlled via remote control, where the PC signal (audio/video) may also be displayed on the TV unit, in addition to the user controlling operation of the PC from a remote location. Hare also discloses that the transmission of the signals may be wired or wireless (RF, microwave and IR) and guided transmission media which utilize either dedicated or multi-use transmission lines (e.g. parallel conductor, twisted pair and coaxial cable lines) and/or optical fiber lines (col 6, line 40-63).

Hare also discloses that in the event that the user desires to use the PC at the TV receiver 4, the user may activate a button, where the PC receives the instruction from the user and microcontroller 35 provides a signal to PC 2 or activates a switch which restores PC to active operation from a sleep mode or powered off condition.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify/utilize in Hare and Perkes, which discloses a system where a user is able to control/view a remote PC signal(s)/operation by controlling a TV receiver and display via a remote, by disconnecting the external apparatus (PC) when the user only desires to view the TV signals, which would conserve power within the system.

Applicant's Arguments

- a) The applicant states that Sturgeon does not include a connection and a control unit that are controllable by a remote control so that they can be switched between a display mode for a TV and a display mode for a PC.*
- b) The applicant states that Hare does not disclose/suggest that a display of a TV is changed based on a mode selected by a remote controller.*
- c) The applicant states that Perkes merely discloses a remote controller and does not disclose/suggest anything with regard to controlling a display unit and a connecting unit to operate in two modes.*

Examiner's Response

- a) The examiner disagrees given the broadest interpretation of the claimed invention. As stated above in the rejection, Sturgeon discloses a computer subsystem 115 which*

functions both as the claimed connection unit and control unit, where subsystem 115 can switch between a display utilizing the TV signal or a PC signal, thus anticipating the claimed invention.

b) The examiner agrees, hence the incorporation of the Perkes reference. It should be noted that Hare discloses a controller, however Hare does not explicitly recite a "remote" controller.

c) The examiner agrees that Perkes does not anticipate the invention, where in the event Perkes did anticipate the claims, the examiner would have provided a '102 rejection using the reference. Perkes was merely incorporated since Hare recited a controller, though Hare did not explicitly recite a conventional "remote controller"—thus the examiner based upon applicant's previous arguments that Perkes did not disclose a remote, incorporated such a reference.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure—see newly cited references on attached form PTO-892, most notably US 5,850,340 US 6,724,351, US 6,285,406 and US 6,104,390 which all disclose a monitor/display which can display TV and/or PC signals. In the event the applicant deems the cited prior art (as notably pointed out above) does not anticipate or render claims 1-4 obvious, the examiner requests the applicant to point out the distinction between the applicant's invention and the notable references.

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8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian Yenke whose telephone number is (703) 305-9871. The examiner work schedule is Monday-Thursday, 0730-1830 hrs.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's Supervisor, John W. Miller, can be reached at (703)305-4795.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 872-9314

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist). Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703)305-HELP.

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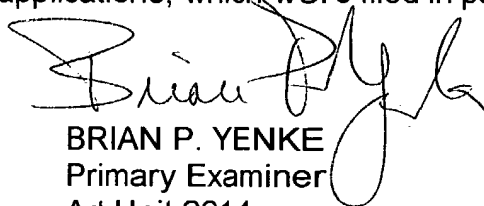
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General information brochures can also be obtained in person from the Patent Search Room located in Crystal Plaza 3, Room 1A03, 2021 South Clark Place, Arlington, VA 22202.

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publication-ready form. EFS includes software to help customers prepare submissions in extensible Markup Language (XML) format and to assemble the various parts of the application as an electronic submission package. EFS also allows the submission of Computer Readable Format (CRF) sequence listings for pending biotechnology patent applications, which were filed in paper form.



BRIAN P. YENKE
Primary Examiner
Art Unit 2614



B.P.Y.

04 December 2004